

Application No. 10/773,711
Repl: to Office Action of March 28, 2006

REMARKS

Claims 22-30 are pending in the application.

At the outset, the undersigned thanks the Examiner for her courtesy during the telephone conversation of April 5, 2006 in which the claims and prior art rejection were discussed. It was very helpful in furthering the examination of the application.

Applicants also acknowledge the Examiner's forwarding of the initialed PTO/SB/08A forms from the prior and the recently filed IDS's.

Claim 22 has been amended per the undersigned's conversation with the Examiner. Claim 22 as amended addresses the Examiner's concern that claims language concerning the grooves abraded into the surface of the claimed cargo carrier refers to the markings using alternative language. Applicants have amended the claim language to reflect that the markings abraded into the surface are grooves, which are irregular, aligned and elongate in shape, like furrows done through abrasion. While the specification supports that the "depressions" referred to in the specification and in the claims prior to amendment are the same marks made as the "grooves" referenced in the claims now, due to alternative language provided in the specification to describe the basic markings made, the claims are now amended as suggested by the Examiner to clarify the markings and to further prosecution. The amendment is supported by the specification, at least at page 9, paragraph [0032], and the claims prior to amendment such that no new matter has been added.

Applicants also acknowledge the Examiner's withdrawal of the prior rejection of claims 25-27 under 35 U.S.C. § 112, second paragraph as being indefinite.

The only remaining rejection pending against the claims is a rejection of claims 22-30 as anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 4,693,507 of Dresen et al. ("Dresen"). Applicants acknowledge the withdrawal of the prior rejection of the claims under 35 U.S.C. §103(a) as unpatentable over Dresen in view of U.S. Patent No. 4,336,293 of Eiden ("Eiden").

Applicants traverse the Examiner's renewed rejection of claims 22-30 under § 102(b) and the arguments in support thereof, and request reconsideration and withdrawal of the rejection.

The Examiner comments regarding the §102 rejection that Dresen teaches a cargo carrier for a motor vehicle that includes in combination, a co-formed composite sheet having a first layer of a first thermoplastic (citing item 84), and a second layer (citing item 16) of a second thermoplastic bonded thereto. The composite sheet is asserted to be formed so as to define a pair

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of opposed, spaced apart sidewalls, a front wall, a bottom panel and having wheel wells therebetween. The Examiner also takes the position that Dresen teaches a friction-enhancing surface and "elongate depressions which "provide for a roughened surface."

To establish novelty, the cited reference must teach or suggest all elements of the claims. In order to understand the reason the Examiner maintained this rejection, the undersigned contacted the Examiner to discuss the nature of the rejection. In that conversation, the Examiner clarified that she was of the view that the wavy surface, or corrugated surface depicted in Dresen satisfied the "depressions" as claimed and that the upper surface in Dresen is friction-enhancing. The undersigned discussed with the Examiner the differences between the corrugations and the "depressions" or "grooves" of the claimed invention. It is known to corrugate the bottom panel of a truck bed liner or cargo bed to help with drainage of water and to assist in lifting objects from the surface of a truck bed. In Dresen, the focus of the invention is in providing a friction-enhancing surface through use of a film applied to the top surface, whether flat or corrugated to be wavy as shown.

Dresen provides the truck bed liner shown with an anti-slip surface by using such an anti-slip film layer that uses a material which has a coefficient of friction higher than that of the typical material used to form a truck bed liner (i.e., high density polyethylene (HDPE)). Dresen does not form the corrugations to achieve this effect, but uses friction-enhancing elastomeric materials such as ethylene vinyl acetate or thermoplastic rubber resin that by their nature and not their surface effects provide a desired coefficient of friction (col. 4, lines 26-45). Dresen's U-shaped longitudinal corrugations 22 that can be provided to the truck bed liner (see, col. 2, lines 63-65) are not the basis of Dresen's friction-enhancing surface.

The depressions, or grooves as claimed, in applicants' invention are the result of scoring or abrasion and are very small by comparison with the corrugations of Dresen. A wire brush scratches and abrades into the surface in applicant's invention to create small, furrow-like grooves which are dug into the surface as a result of the contact of the rotating wire brush at a high differential velocity in comparison with the speed of the sheet passing under the brush. The high speed differential, combined with the heating and cooling effects in applicants' process produce unique, elongated, irregular and aligned furrow-like grooves cut or abraded into the surface to physically roughen the surface. Dresen, in contrast, uses particular elastomeric

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materials as noted in the text of Dresen to enhance friction properties and merely folds the surface in large-scale corrugations for other purposes.

In view of this explanation, the Examiner indicated to the undersigned that the amendment and comments would overcome the outstanding rejection. Accordingly, applicants have placed these comments of record and submit that the claims overcome the outstanding rejection and are in a condition for allowance.

In view of the foregoing, applicants submit that claims 22-30 are patentable over the reference cited by the Examiner in support of the outstanding rejection. Withdrawal of the rejection and a Notice of Allowance are respectfully requested.

Respectfully submitted,

JOHN C. MONTAGNA ET AL.

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(Date)

By:



LYNDA L. CALDERONE

Registration No. 35,837

FLASTER/GREENBERG P.C.

8 Penn Center

1628 John F. Kennedy Blvd., 15th Floor

Philadelphia, PA 19103

Telephone: 215-279-9393

Direct Dial: 856-382-2206 or 215-279-9375

Facsimile: 856-661-1919

E-Mail: lynda.calderone@flastergreenberg.com

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